

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

WILBERT EUGENE PROFFITT,

Plaintiff,

v.

Civil Action No. 3:08CV158

TONY JERKASON,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on July 14, 2008, the Court filed Plaintiff's 42 U.S.C. § 1983 action. However, the Court noted that, in his original complaint, Plaintiff indicated that “[t]he details of the illegal entry [claim] will be provided with affidavits in an Amended Complaint to be filed as soon as practical.” (July 14, 2008 Mem. Order 2 (*citing* Pl.'s Compl. 2).) Because the Court had not received a proposed Amended Complaint from Plaintiff and because Plaintiff's complaint was incoherent and failed to comply with Federal Rule of Civil Procedure 8(a), the Court informed Plaintiff that it was unable to determine whether he had presented any valid grounds for relief in his original complaint. (July 14, 2008 Mem. Order 2.) Accordingly, in the July 14, 2008 Memorandum Order the Court directed Plaintiff to file a proposed Amended Complaint containing the particularized details and facts in support of his claim against defendant Jerkason within twenty (20) days from the date of entry thereof. The Court warned Plaintiff that the failure to file an amended complaint in accordance with the Court's directives would result in dismissal of his action pursuant to Federal Rule of Civil Procedure 41(b).

More than twenty (20) days have elapsed since the July 14, 2008 Memorandum Order and Plaintiff has not filed a proposed Amended Complaint. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

/s/

**James R. Spencer
Chief United States District Judge**

Date: 8-25-08
Richmond, Virginia